



General Assembly

Amendment

January Session, 2015

LCO No. 7230



Offered by:

REP. TONG, 147th Dist.
REP. REBIMBAS, 70th Dist.
REP. GODFREY, 110th Dist.
REP. STAFSTROM, 129th Dist.

REP. BOUKUS, 22nd Dist.
SEN. COLEMAN, 2nd Dist.
SEN. KISSEL, 7th Dist.

To: Subst. House Bill No. **7029**

File No. 729

Cal. No. 465

"AN ACT CONCERNING PROBATE COURT OPERATIONS."

1 Strike section 1 in its entirety and renumber the remaining sections
2 accordingly

3 Strike lines 66 to 86, inclusive, in their entirety and insert the
4 following in lieu thereof:

5 "(e) On any matter not transferred to the Superior Court in
6 accordance with this section, upon the motion of the child for whom
7 application has been made, or his or her counsel, or the [judge of]
8 probate judge having jurisdiction over such application, filed not later
9 than three days prior to any hearing scheduled on such application,
10 the Probate Court Administrator shall appoint a three-judge court
11 from among the several [judges of] probate judges to hear such
12 application. [Such three-judge court shall consist of at least one judge
13 who is an attorney at law admitted to practice in this state.] The judge

14 of the [court of probate] Probate Court having jurisdiction over such
15 application under the provisions of this section shall be a member,
16 provided such judge may disqualify himself or herself in which case
17 all three members of such court shall be appointed by the Probate
18 Court Administrator. Such three-judge court when convened shall
19 have all the powers and duties set forth under sections 17a-75 to 17a-
20 83, inclusive, and shall be subject to all of the provisions of law as if it
21 were a single-judge court. No such child shall be involuntarily
22 hospitalized without the vote of at least two of the three judges
23 convened under the provisions of this section. The judges of such court
24 shall designate a chief judge from among their members. All records
25 for any case before the three-judge court shall be maintained in the
26 [court of probate] Probate Court having jurisdiction over the matter."

27 Strike lines 120 to 141, inclusive, in their entirety and substitute the
28 following in lieu thereof:

29 "(b) Upon the motion of any respondent or his or her counsel, or the
30 [judge of] probate judge having jurisdiction over such application,
31 filed not later than three days prior to any hearing scheduled on such
32 application, the Probate Court Administrator shall appoint a three-
33 judge court from among the [several judges of] probate judges to hear
34 such application. [Such three-judge court shall consist of at least one
35 judge who is an attorney-at-law admitted to practice in this state.] The
36 judge of the [court of probate] Probate Court having jurisdiction over
37 such application under the provisions of this section shall be a
38 member, provided such judge may disqualify himself in which case all
39 three members of such court shall be appointed by the Probate Court
40 Administrator. Such three-judge court when convened shall have all
41 the powers and duties set forth under sections 17a-75 to 17a-83,
42 inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,
43 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615
44 to 17a-618, inclusive, and shall be subject to all of the provisions of law
45 as if it were a single-judge court. No such respondent shall be
46 involuntarily confined without the vote of at least two of the three

47 judges convened hereunder. The judges of such court shall designate a
48 chief judge from among their members. All records for any case before
49 the three-judge court shall be maintained in the [court of probate]
50 Probate Court having jurisdiction over the matter as if the three-judge
51 court had not been appointed."

52 Strike line 1331 in its entirety and substitute the following in lieu
53 thereof: "date of such hearing. [date.]"

54 After the last section, add the following and renumber sections and
55 internal references accordingly:

56 "Sec. 501. Section 45a-474 of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2015*):

58 When [any person has been appointed trustee of any estate, or holds
59 as trustee the proceeds of any estate sold, and no provision is made by
60 law or by the instrument under which his appointment is derived] a
61 will, trust agreement or other instrument establishing a trust fails to
62 provide for the contingency of [his] the trustee's refusal to accept the
63 trust or the trustee's resignation, death or incapacity, [or for his refusal
64 to accept such trust or for his resignation of such trust, or when a trust
65 has been created by will and no trustee has been appointed in the will
66 or when more than one trustee has been appointed and thereafter a
67 trustee so appointed dies, becomes incapable, refuses to accept or
68 resigns such trust, the court of probate of] the Probate Court for the
69 district within which the estate is situated, or, when the trust has been
70 created by will, in the district having jurisdiction of such will, may, on
71 the happening of any such contingency, appoint some suitable person
72 to fill such vacancy, taking from him a probate bond, unless in the case
73 of a will it is otherwise provided therein, in which case the provisions
74 of section 45a-473 shall apply. The court may appoint a successor
75 trustee of an inter vivos trust before such contingency has occurred if
76 the court finds that a vacancy in the office of trustee is likely to occur.
77 The court shall specify the conditions that the successor trustee of such
78 inter vivos trust must satisfy before becoming trustee. In the event of a

79 vacancy in the office of trustee of such inter vivos trust, the successor
80 trustee may assume the office immediately upon satisfying the
81 conditions set forth in the court's order without further court action.

82 Sec. 502. Section 45a-2 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective January 9, 2019*):

84 There shall be fifty-four probate districts in this state, for all
85 purposes for which they are constituted, that shall comprise the towns
86 that are set forth as follows:

87 (1) The town of Hartford.

88 (2) The town of West Hartford.

89 (3) The towns of Bloomfield, East Granby, Suffield and Windsor
90 Locks.

91 (4) The towns of East Windsor, South Windsor and Windsor.

92 (5) The town of East Hartford.

93 (6) The towns of Glastonbury and Hebron.

94 (7) The towns of Newington, Rocky Hill and Wethersfield.

95 (8) The towns of Berlin and New Britain.

96 (9) The towns of Avon, Canton, Granby and Simsbury.

97 (10) The towns of Burlington, [and] Farmington and Plainville.

98 (11) The towns of Enfield, Somers, Stafford and Union.

99 (12) The towns of Ellington and Vernon.

100 (13) The towns of Andover, Bolton, Columbia and Manchester.

101 (14) The towns of East Haddam, East Hampton, Marlborough and
102 Portland.

- 103 (15) The towns of Cromwell, Durham, Middlefield and Middletown.
- 104 (16) The town of Meriden.
- 105 (17) The town of Wallingford.
- 106 (18) The towns of Cheshire and Southington.
- 107 (19) The towns of Bristol [, Plainville] and Plymouth.
- 108 (20) The towns of Waterbury and Wolcott.
- 109 (21) The towns of Beacon Falls, Middlebury, Naugatuck and
110 Prospect.
- 111 (22) The towns of Bethlehem, Oxford, Roxbury, Southbury,
112 Washington, Watertown and Woodbury.
- 113 (23) The towns of Barkhamsted, Colebrook, Goshen, Hartland, New
114 Hartford, Torrington and Winchester.
- 115 (24) The towns of Canaan, Cornwall, Harwinton, Kent, Litchfield,
116 Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston and
117 Warren.
- 118 (25) The towns of Coventry, Mansfield, Tolland and Willington.
- 119 (26) The towns of Ashford, Brooklyn, Eastford, Pomfret, Putnam,
120 Thompson and Woodstock.
- 121 (27) The towns of Canterbury, Killingly, Plainfield and Sterling.
- 122 (28) The towns of Chaplin, Colchester, Hampton, Lebanon, Scotland
123 and Windham.
- 124 (29) The towns of Bozrah, Franklin, Griswold, Lisbon, Norwich,
125 Preston, Sprague and Voluntown.
- 126 (30) The towns of Groton, Ledyard, North Stonington and

- 127 Stonington.
- 128 (31) The towns of New London and Waterford.
- 129 (32) The towns of East Lyme, Montville, Old Lyme and Salem.
- 130 (33) The towns of Chester, Clinton, Deep River, Essex, Haddam,
131 Killingworth, Lyme, Old Saybrook and Westbrook.
- 132 (34) The towns of Guilford and Madison.
- 133 (35) The towns of Branford and North Branford.
- 134 (36) The towns of East Haven and North Haven.
- 135 (37) The towns of Bethany and Hamden.
- 136 (38) The town of New Haven.
- 137 (39) The town of West Haven.
- 138 (40) The towns of Milford and Orange.
- 139 (41) The towns of Ansonia, Derby, Seymour and Woodbridge.
- 140 (42) The town of Shelton.
- 141 (43) The town of Danbury.
- 142 (44) The towns of Bridgewater, Brookfield, New Fairfield, New
143 Milford and Sherman.
- 144 (45) The towns of Bethel, Newtown, Ridgefield and Redding.
- 145 (46) The towns of Easton, Monroe and Trumbull.
- 146 (47) The town of Stratford.
- 147 (48) The town of Bridgeport.
- 148 (49) The town of Fairfield.

- 149 (50) The towns of Weston and Westport.
- 150 (51) The towns of Norwalk and Wilton.
- 151 (52) The towns of Darien and New Canaan.
- 152 (53) The town of Stamford.
- 153 (54) The town of Greenwich."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	45a-474
Sec. 502	<i>January 9, 2019</i>	45a-2